

REMARKS

The above amendments to the above-captioned application along with the following remarks are being submitted as a full and complete response to the Official Action dated January 30, 2006. In view of the above amendments and the following remarks, the Examiner is respectfully requested to give due consideration to this application, to indicate the allowability of the claims, and to pass this case to issue.

Status of the Claims

Claims 1, 2, 5, 6, 8-12, 18, 19, 21, 22, 28-31, 52, 53 and 89 are under consideration in this application. Claims 1 and 89 are being amended, as set forth in the above marked-up presentation of the claim amendments, in order to more particularly define and distinctly claim applicant's invention.

The claims and the specification are being amended to correct formal errors and/or to better recite or describe the features of the present invention as claimed. All the amendments to the claims are supported by the specification. Applicant hereby submits that no new matter is being introduced into the application through the submission of this response.

Prior Art Rejections

Claims 1, 2, 5, 6, 8-12, 18, 19, 21, 22, 28-31, 52, 53 and 89 were rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent No. 5,176,696 to Saunders (hereinafter "Saunders"). This rejection has been carefully considered, but is most respectfully traversed.

The forceps type apparatus 400a for use with a hand of the invention (the elected embodiment depicted in Figs. 3A-B, 5A), comprises: a pair of opposing blades 440a, with the pair of opposing blades each having a top surface and a bottom surface and each comprising a proximal section 410a, a middle section 420a and a distal section 430a. The proximal end of the proximal section 410a of one opposing blade connecting to the proximal end of the proximal section of the other opposing blade thereby forming a first support location for engaging a portion of the radial side of the palmar surface of the hand thereby supporting the forceps type apparatus 400a in the hand without placing substantial pressure on a surface of the hand located over the carpal tunnel (Fig. 5A). The middle section 420a of each opposing blade connecting the proximal section 410a and the distal section 430a of a corresponding

opposing blade, with the middle section 420a of at least one opposing blade including an extension support member 422a having a distal surface forming a second support location for engaging at least one of the middle finger or the ring finger of the hand for supporting the forceps type apparatus 400a in the hand, with the extension support member 422a projecting downwardly relative to the bottom surface of the corresponding opposing blade, and with the extension support member 422a extending transversely relative to the direction of motion of the opposing blades. The distal section 430a of each opposing blade, with one opposing blade for receiving the thumb and the other opposing blade for receiving at least one of the index finger or middle finger of the hand, when the forceps type apparatus 400a is positioned with the hand.

The invention recited in claim 89 is directed to a forceps type apparatus including the essential elements of claim 1.

Applicants respectfully contend that Saunders does not teach or suggest that (1) “the proximal end of the proximal section 410a of one opposing blade connecting to the proximal end of the proximal section of the other opposing blade thereby forming a first support location for engaging a portion of the radial side of the palmar surface of the hand thereby supporting the forceps type apparatus 400a in the hand without placing substantial pressure on a surface of the hand located over the carpal tunnel,” (2) “the middle section 420a of at least one opposing blade including an extension support member 422a having a distal surface forming a second support location for engaging at least one of the middle finger or the ring finger of the hand for supporting the forceps type apparatus 400a in the hand,” and (3) “the distal section 430a with one opposing blade for receiving the thumb and the other opposing blade for receiving at least one of the index finger or middle finger of the hand, when the forceps type apparatus 400a is positioned with the hand” as the invention.

In contrast, Saunders’ microsurgical handle only engages/supports three fingers of a hand (Figs. 3-4), but not “any portion of the radial side of the palmar surface of the hand” as the invention. In particular, the alleged proximal section 22 includes butterfly wings and the connecting “biasing mechanism” (62, 64 & 66) that holds the blades or “elongated members” 12, 14 apart. The biasing mechanism is shorter than the handle portion 22 such that it does not touch the palm of the hand at all (Fig. 3). As Saunders’ microsurgical handle does not derive any support from the palm (item g of claim 1 on col. 12, lines 27-32), it does NOT support the microsurgical handle on the radial side of the palmar surface in the hand as the

invention. In addition, the alleged middle sections 24, 34 of Saunders do not touch the fingers at all such that they do not provide any second support location for engaging at least one of the middle finger or the ring finger of the hand for supporting Saunders' microsurgical handle in the hand.

Although Saunders' extensions that fan like butterfly wings that extend up and down transversely relative to the direction of motion, contrary to the Examiner's assertion (p. 2, last three lines of the outstanding Office Action), they are part of the alleged proximal section 62, 64, 66 ("a handle portion 22 adjacent to the rear end 18" col. 6, lines 14-15, and "a handle portion 32 adjacent to the rear end 28" col. 6, lines 21-22), rather than the alleged middle section 24 or 34 as the extension support member 422a of the invention.

Further more, the alleged distal section of Saunders is the portion where the blades or elongated members cross each other, where there is NO place "for receiving the thumb on one blade and for receiving at least one of the index finger or middle finger of the hand on another blade, when Saunders' microsurgical handle is positioned with the hand."

Saunders fails to teach or suggest each and every feature of the present invention as recited in independent claims 1 and 89 from which other claims depend. As such, the present invention as now claimed is distinguishable and thereby allowable over the prior art cited in the Office Action. The withdrawal of the outstanding prior art rejections is in order, and is respectfully solicited.

Conclusion

In view of all the above, clear and distinct differences as discussed exist between the present invention as now claimed and the prior art reference upon which the rejections in the Office Action rely, Applicants respectfully contend that the prior art references cannot anticipate the present invention or render the present invention obvious. Rather, the present invention as a whole is distinguishable, and thereby allowable over the prior art.

Favorable reconsideration of this application is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance

of the above-captioned application, the Examiner is invited to contact the Applicant's undersigned representative at the address and telephone number indicated below.

Respectfully submitted,

Stanley P. Fisher
Registration Number 24,344

Juan Carlos A. Marquez
Registration Number 34,072

REED SMITH LLP
3110 Fairview Park Drive, Suite 1400
Falls Church, Virginia 22042
(703) 641-4200

April 27, 2006
SPF/JCM/JT